

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA) Case No. 1:17-cr-140
v.)
KEVIN SHANE COOLEY) District Judge Curtis L. Collier
)
) Magistrate Judge Christopher H. Steger

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), the undersigned United States Magistrate Judge conducted a plea hearing in this case on February 6, 2019. At the hearing, Defendant entered a plea of guilty to a lesser included offense of Count One of the sixteen count Superseding Indictment. On the basis of the record made at the hearing, the Court finds that Defendant is fully competent and capable of entering an informed plea; the plea is made knowingly and with full understanding of each of the rights waived by Defendant; it is made voluntarily and free from any force, threats, or promises; Defendant understands the nature of the charges and penalties provided by law; and the plea has a sufficient basis in fact. Acceptance of the plea, adjudication of guilt, acceptance of the Revised Plea Agreement [Doc. 235], and imposition of sentence are specifically reserved for the District Court Judge.

I therefore recommend that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to a lesser included offense of Count One of the sixteen count Superseding Indictment; (2) accept Defendant's guilty plea to a lesser included offense of Count One of the sixteen count Superseding Indictment; (3) adjudicate Defendant guilty of conspiracy to distribute and possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(b)(1)(C) and 846; and (4) order that Defendant remain in custody until further order of this Court or sentencing in this matter.

The Defendant's sentencing hearing is scheduled before the Honorable District Judge Curtis L. Collier on **August 7, 2019, at 2:00 p.m.**

ENTER.

/s/ Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

You have the right to *de novo* review by the district judge of the foregoing findings. Any application for review must be in writing; must specify the portions of the findings or proceedings objected to; and must be filed and served no later than fourteen (14) days after the plea hearing. Failure to file objections within fourteen days constitutes a waiver of any further right to challenge the plea of guilty in this matter. *See* 28 U.S.C. § 636(b).